

1 VAUGHT & BOUTRIS LLP  
2 Basil J. Boutris #122758  
3 Jon R. Vaught #114590  
4 Attorneys at Law  
5 80 Swan Way, Suite 320  
6 Oakland, CA 94621  
7 Telephone: (510) 430-1518  
8 Facsimile: (510) 569-4375

RECEIVED  
FEB 2014 BY ECF FILED  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Attorneys for Defendant Richard M. Anello

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

11 UNITED STATES OF AMERICA, ) Case No. 13-CR-181-RMW  
12 Plaintiff, )  
13 v. ) STIPULATION TO CONTINUE  
14 RICHARD M. ANELLO, ) SENTENCING HEARING  
15 Defendant.)  
16 \_\_\_\_\_

17 Defendant Richard M. Anello entered a guilty plea before this Court on April  
18 22, 2013. The Court scheduled a sentencing hearing for July 29, 2013 which was  
19 subsequently continued to November 4, 2013 and subsequently continued to February  
20 3, 2014.

21 For the following reasons, the parties now stipulate and request that this court  
22 continue the sentencing hearing to April 28, 2014 at 9 a.m. or a date around that time  
23 that is convenient for the court.

24 The terms of Mr. Anello's plea agreement require him to cooperate with the  
25 United States Attorney's Office and takes into account his cooperation in his final  
26 sentence. Specifically, Mr. Anello is cooperating in the case of United States v.  
27 Brenda Kibbee, 12-00701-DLJ, which is currently pending in this district. Ms. Kibbie  
28 recently entered a change of plea to count 1 of failing to pay an excise tax on wine.

1 Her sentencing is scheduled for April 17, 2014. The parties hereby jointly request that  
2 the sentencing hearing for Mr. Anello be continued from February 3, 2014 to a date  
3 proximate in time to Ms. Kibbee's sentencing hearing, or April 28, 2014.

4 In addition, the parties believe that the U.S. Probation Officer assigned to this  
5 case, Insa Bel Ochi, requires additional time to complete the Presentence Investigation  
6 Report (PSR).

7 A proposed order is attached.  
8

9 SO STIPULATED:

10 VAUGHT & BOUTRIS LLP  
11

12 Dated: January 22, 2014

13 /s/ Basil J. Boutris  
14 **BASIL BOUTRIS**  
15 Attorney for Richard M. Anello

16 Dated: January 23, 2014

17 MELINDA HAAG  
18 United States Attorney

19 /s/ Matthew J. Kluge  
20 **MATTHEW J. KLUGE**  
21 Trial Attorney

22 Attorneys for the United States

23  
24  
25  
26  
27  
28  
y/crim tax lit/Anello/stip to continue sentencing hearing

VAUGHT & BOUTRIS LLP  
Basil J. Boutris #122758  
Jon R. Vaught #114590  
Attorneys at Law  
80 Swan Way, Suite 320  
Oakland, CA 94621  
Telephone: (510) 430-1518  
Facsimile: (510) 569-4375

Attorneys for Defendant Richard M. Anello

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

UNITED STATES OF AMERICA, ) Case No. 13-CR-181-RMW  
Plaintiff, )  
v. ) ORDER TO CONTINUE  
RICHARD M. ANELLO, ) SENTENCING HEARING  
Defendant. )

## ORDER

Pursuant to the parties' stipulation, and for good cause shown therein, the Court finds that a continuance of the sentencing hearing in this matter is warranted.

IT IS ORDERED that the sentencing hearing, currently scheduled for February 3, 2014, is continued to April 28, 2014 at 9 a.m.

Dated: FEB 19 1971

Ronald M. Whyte  
Hon. Ronald M. Whyte  
United States District Court Judge

y/crim tax lit/anello/order to continue sentencing hearing